



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Establish Policy If No One, Or Only One, Person Is Nominated For An Elective Office In The November 3, 1998 General Municipal Election

**MEETING DATE:** June 3, 1998

**PREPARED BY:** City Clerk

**RECOMMENDED ACTION:** That the City Council adopt Resolution No. 98-86 providing for the appointment to the offices of this City that are to be elected Tuesday, November 3, 1998 of the persons who have been nominated if there are not more candidates than offices to be elected.

**BACKGROUND INFORMATION:** §10229 of the Election Code allow for one of the following courses of action to be taken by the City Council in the event there are not more candidates than offices to be elected, or if no one is nominated:

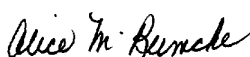
- Appoint to the office the person who has been nominated.
- Appoint to the office any eligible voter if no one has been nominated.
- Hold the election if either no one or only one person has been nominated.

Council may recall that a number of years ago only the incumbents were nominated for office at the General Municipal Election held in Lodi. State statute, at that time, mandated that the election be held. The City had to bear the cost of the election and the voter turnout was extremely low. State statutes have since been amended to allow for a number of courses of action which can be followed should this happen. However, the decision on which course of action is to be followed must be adopted by the City Council prior to the election.

The provisions of this statute do not apply if, at the subject election, more than one person has been nominated to another City office to be elected on a City-wide basis or city measure has qualified to be placed on the ballot.

In the event that no nominations are received, this matter will be brought back to the Council following the close of nominations for Council to decide if it wishes to appoint eligible voters to the office or hold the election which would then allow for write-in candidates.

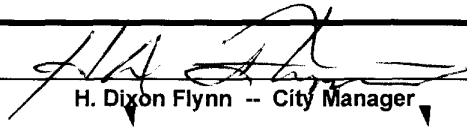
**FUNDING:** None required.

  
Alice M. Reimche  
City Clerk

AMR/jmp

Attachment

APPROVED: \_\_\_\_\_

  
H. Dixon Flynn -- City Manager

RESOLUTION NO. 98-86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA,  
PROVIDING FOR THE APPOINTMENT TO THE OFFICES OF THIS CITY THAT WERE  
TO BE ELECTED TUESDAY, NOVEMBER 3, 1998 OF THE PERSONS WHO HAVE BEEN  
NOMINATED IF THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED

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WHEREAS, §10229 of the Election Code of the State of California, allows for one of the following courses of action to be taken by the City Council if there are not more candidates than offices to be elected:

1. Appoint to the office the person who has been nominated;
2. Appoint to the office any eligible voter if no one has been nominated;
3. Hold the election if either no one or only one person has been nominated.

RESOLVED, that the Lodi City Council does hereby declare its intention to appoint to the office the person who has been nominated; and

BE IT FURTHER RESOLVED, that the Lodi City Council does hereby direct the City Clerk to proceed with the provisions of §10229 of the State of California Election Code as they pertain to the General Municipal Election of November 3, 1998.

**Dated:** June 3, 1998

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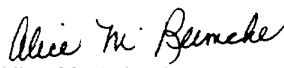
I hereby certify that Resolution No. 98-86 was passed and adopted by the Lodi City Council in a regular meeting held June 3, 1998 by the following vote:

Ayes: Council Members - Johnson, Land, Mann, Pennino  
and Sieglock (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None

  
Alice M. Reimche  
City Clerk